

Remarks

In the subject Office action dated 22 August 2006, claims 1, 3, 10, 15, 17, 19, 20 and 23 were examined and claims 2, 4-9, 11-14, 16, 18, 21 and 22 were withdrawn from consideration. In response thereto, withdrawn claims 2, 4-9, 11-14, 16, 18, 21 and 22 are canceled, pending claims 1, 3, and 20 are canceled, claims 10, 19 and 23 are amended, and claims 15 and 17 remain pending under active prosecution in the present application. Applicants respectfully assert that all amendments are supported by the original disclosure and do not introduce new matter.

The species restriction requirement was made final to election of Species 2 and Subspecies 2. Consequently, Applicant have canceled claims directed to the non-elected species.

Claims 10, 23 were rejected under 35 U.S.C. 102(e) as being anticipated by Park et al. (US 2003/0120292). Claims 1, 3, 15, 17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (US 2003/0120292) in view of Neuss et al. (US 6,355,052).

Turning to independent claim 10, the claim as amended recites in part that each petal flares away from an adjacent petal on an opposite side of an anastomotic attachment between two tissue walls along the longitudinal axis reducing tissue contact at a distal tip of each petal. Support for the amendment corresponds to the election of subspecies 2, FIGS. 33-34 and Specification paragraph 0073.

Claim 10 was rejected as anticipated by Park. The amended feature is not taught by Park and thus withdrawal of the rejection is respectfully requested. Remaining claims in the patent application all depend from claim 10 and should thus also be reconsidered and allowed.

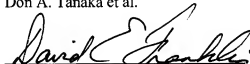
Conclusion

In light of the amendments and remarks made herein, it is respectfully submitted that the claims currently pending in the present application are in form for allowance. Accordingly, reconsideration of those claims, as amended herein, is earnestly solicited. Applicants encourage the Examiner to contact their representative, David Franklin at (513) 651-6856 or dfranklin@fbtlaw.com.

Applicants request a one-month extension and allow the charge of \$120 in payment for the one-month extension of time. The Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Deposit Account No. 06-2226.

Respectfully submitted,

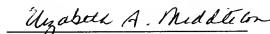
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CERTIFICATE OF MAILING

I hereby certify that a copy of this correspondence is being deposited with the US Patent Office by electronic transmission addressed to MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 21st day of December, 2006.


Elizabeth A. Middleton